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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/678,573

10/03/2000

Adrian Pell

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09/15/2006

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EXAMINER

LIPMAN, JACOB

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/678,573

Applicant(s)

PELL, ADRIAN

Examiner

Jacob Lipman

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 2, 3, 12, and 13, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The term human support representative was not defined in the specification. This term is seen as new matter.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2, 3, 12, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2, 3, 12, and 13 recite the limitation "human support representative". It is unclear if this human support representative is the support representative of claims 1 and 11, or a separate support representative.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4-9, 11, and 14-19, are rejected under 35 U.S.C. 102(a) as being anticipated by Waldin Jr. et al., US Patent number 6,052,531.

With regard to claims 1 and 11, Waldin Jr. discloses a requesting system (column 4 lines 1-12) coupled to the Internet (column 8 lines 32-35) from which a user requests assistance from a support representative utilizing a web browser client (DeltaDirectory), a support system (column 4 lines 17-24) which responds to the requesting user (column 4 lines 35-40), and a collaboration system (column 8 lines 28-57) accessible to the requesting and support systems (column 7 lines 37-42), the collaboration system including a rendezvous service to initiate communication between the systems in absence of firewall protection (column 4 lines 38-40) and an interaction service to manage interaction between the systems (column 4 line 39) over the Internet (column 8 lines 32-35).

With regard to claims 4 and 14, Waldin discloses support is received on a proxy (column 4 lines 38-40).

With regard to claims 5 and 15, Waldin discloses the support representative generates the response (column 4 lines 17-24).

With regard to claims 6 and 16, Waldin discloses the response is an executable to be run on the requesting system (column 4 lines 40-45).

With regard to claims 7 and 17, Waldin discloses the support proxy loads the response (column 4 lines 38-40).

With regard to claims 8 and 18, Waldin discloses the response is digitally signed (column 4 lines 45-46).

With regard to claims 9 and 19, Waldin discloses the support proxy verifies the signature (column 9 lines 36-42).

7. Claims 1, 4, 5, 11, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Karaev et al., USPN 5,802,518.

With regard to claims 1 and 11, as best understood, Karaev discloses a requesting system (column 3 lines 12-15) coupled to the Internet (column 3 lines 15-20) from which a user requests assistance from a support representative utilizing a web browser client (column 3 lines 47-57), a support system which responds to the requesting user (column 4 lines 6-14), and a collaboration system (CGI program) accessible to the requesting and support systems (column 27 lines 1-3), the collaboration system including a rendezvous service to initiate communication between the systems in absence of firewall protection (column 27 lines 1-30) and an interaction service to manage interaction between the systems (column 8 line 56-column 9 line 4) over the Internet (column 9 lines 5-8).

With regard to claims 4 and 14, Karaev discloses a web server handling the request (column 3 lines 15-20).

With regard to claims 5 and 15, Karaev discloses a response is generated by a support representative and transmitted to the interaction service (column 4 lines 26-32)

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2, 3, 10, 12, 13, and 20, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Waldin Jr. et al.

With regard to claims 2 and 12, Waldin discloses the proper support is located by the rendezvous service (column 4 line 38-39). Waldin discloses an automated system, and does not disclose a human representative. Although it is inherent that a human has written the software to generate the patches of Waldin, it is not inherent that the system should not be completely automated. The examiner takes official notice that it is known to have human beings respond to service updates to provide a more personal and user-friendly environment. It would have been obvious for one of ordinary skill in the art to have a human representative walk a user through an update in Waldin, perhaps for an additional fee, for the motivation of making the system more user-friendly.

With regard to claims 3 and 13, Waldin discloses rules used to locate the proper support (column 4 lines 38-39).

With regard to claims 10 and 20, Waldin discloses the system of claim 9, as outlined above, but does not disclose the length of the key used to sign the response. The examiner takes official notice that using a key of at least 128 bits is a well known in

the art to increase security. It would have been obvious to one of ordinary skill in the art to sign use a key of at least 128 bits to sign the response in Waldin.

10. Claims 2, 3, 12, and 13, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Karaev.

With regard to claims 2, 3, 12, and 13, Karaev discloses the systems of claims 1 and 11 as outlined above, but does not disclose a human fielding the query responses. The examiner takes official notice that it is known to have human beings respond to requests to provide a more personal and user-friendly environment. It would have been obvious for one of ordinary skill in the art to have a human representative walk a user through a query in Karaev, perhaps for an additional fee, for the motivation of making the system more user-friendly.

Response to Arguments

11. Applicant's arguments filed 17 February 2006 have been fully considered but they are not persuasive.

With regard to applicant's argument that Waldin does not disclose user requesting assistance from a support representative. Waldin discloses that a user's virus protection software is updated. An update is a request from a user from a support representative. Waldin further discloses that the frequency of the requests is set by a user (column 4 lines 1-12), thus the user is making the request. Applicant argues that software on the user's computer retrieves the updates for him. The examiner points out that not only does software making a request for a user read on a user making a

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request, but even in applicant's invention software makes a request on behalf of the user.

With regard to applicants argument that Waldin does not teach a Web browser client to request support, the examiner points to column 8 lines 32-35. Waldin discloses that the updater has access to a list of URLs to retrieve the data. Waldin further discloses the DeltaDirectory supports querying of a file directory such as HTTP, FTP, and file servers.

With regard to applicant's argument that the support representative does not respond, the examiner points out that Waldin discloses the representative sends the update (column 4 lines 35-40).

With regard to applicant's argument that Waldin does not disclose a firewall, the examiner points out that the claim includes the option of being in the absence of a firewall.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 571-272-3837. The examiner can normally be reached on M-Th 7 AM-3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on 571-272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL

A handwritten signature in black ink, appearing to read "J. Lee" or similar, written in a cursive style.